

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                             |   |                        |
|-----------------------------|---|------------------------|
| IN RE: DEBORAH A. BIEVER    | : | CHAPTER 13             |
| Debtor(s)                   | : |                        |
|                             | : |                        |
| CHARLES J. DEHART, III      | : |                        |
| STANDING CHAPTER 13 TRUSTEE | : |                        |
| Movant                      | : |                        |
|                             | : |                        |
| vs.                         | : |                        |
|                             | : |                        |
| DEBORAH A. BIEVER           | : |                        |
| Respondent(s)               | : | CASE NO. 5-18-bk-02213 |

TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 9th day of July, 2018, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. (a) Debtor(s)' plan violates 11 U.S.C. Sec. 1322(a)(2) in that the debtor(s) has not provided for full payment, in deferred cash payments, of all claims entitled to priority under 11 U.S.C. Sec. 507. No interest paid on claim.

2. Debtor(s)' plan violates 11 U.S.C. Sec. 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, debtor's have excess non-exempt equity in the following:

a. Injury or other claim.

3. The Trustee avers that debtor(s)' plan is not feasible based upon the following:

- a. Secured claims not in plan.
- b. Plan ambiguous

- (1) Payment
- (2) Term

4. The Trustee provides notice to the Court as to the ineffectiveness of debtor(s) Chapter 13 Plan for the following reasons:

- a. Clarification of debtor(s) counsel fees which are in conflict with 2016(b) Statement.
- b. Other plan provisions – selling free and clear.
- c. Discharge not indicated.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Charles J. DeHart, III  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
(717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 11th day of July, 2018, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

David Harris, Esquire  
69 Public Square, Suite 700  
Wilkes-Barre, PA 18701

/s/Deborah A. Behney  
Office of Charles J. DeHart, III  
Standing Chapter 13 Trustee